

FILE COPY

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

PAMELA A. DALTON, L.P.N.,
RESPONDENT.

FINAL DECISION
AND ORDER
LS9502081NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 5th day of May 1995.

Pamela A. Dalton PD
Chair

V.C.
Filed to comply
w/ Bd order CE
suspended until acceptance

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

In the Matter of Disciplinary Proceedings Against
PAMELA A. DALTON, L.P.N.
LS 9502081 NUR

PROPOSED DECISION

The parties to this proceeding for purposes of s. 227.53, Stats., are:

Pamela A. Dalton, L.P.N.
913 Hanson Street
French Island
LaCrosse WI 54603

Board of Nursing
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

A hearing was held in this matter on March 16, 1995. Attorney Steven M. Gloe appeared for the Division of Enforcement. There was no appearance by or on behalf of Ms. Dalton, nor was any answer filed by her or on her behalf. The Division moved for a finding of default pursuant to s. RL 2.14, Wis. Admin. Code, on proof that service had been made upon Ms. Dalton and that there had been no response from Ms. Dalton.

On the basis of the entire record in this matter, the Administrative Law Judge recommends that the Board of Nursing adopt the following Findings of Fact, Conclusions of Law and Order as its Final Decision in this proceeding.

FINDINGS OF FACT

1. Pamela A. Dalton is licensed in the state of Wisconsin to practice as a practical nurse under license #13357, first granted on January 26, 1973.
2. Ms. Dalton's latest address on file with the Board of Nursing is 913 Hanson Street, French Island, LaCrosse WI 54603.

3. On July 16, 1993, the Wisconsin Board of Nursing imposed disciplinary action against the license of Ms. Dalton. Among other provisions, the Order required Ms. Dalton to complete 12 hours of continuing education in the areas of nursing documentation, patient management and patient rights, or other areas acceptable to the Board of Nursing. The continuing education courses were to be submitted to the Board for approval before Ms. Dalton took the courses.

4. Ms. Dalton has failed to present the Board with documentation that she has complied with the Order requiring continuing education in the areas specified by the July 16, 1993, Order.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07, Stats.
2. By failing to comply with the Order requiring continuing education in specified areas, Ms. Dalton has violated s. 441.07(1), Stats., and ss. N7.04(14) and (15), Wis. Admin. Code.

ORDER

Now, therefore, it is ordered that the license previously issued to Pamela A. Dalton to practice as a practical nurse in the state of Wisconsin be and hereby is suspended for an indefinite period of time, until further Order of the Board of Nursing, on proof that Ms. Dalton has satisfactorily complied with the Order of July 16, 1993.

It is further ordered that the costs of the proceeding be imposed against Pamela A. Dalton, pursuant to s. 440.22, Stats.

OPINION

By failing to respond to the Notice of Hearing and Complaint in this matter, Nurse Dalton has permitted the Board of Nursing to deal with the allegations of the complaint as true.

The Division of Enforcement recommended that Nurse Dalton's license be suspended until such time as she complies with the terms of the Order of July 16, 1993. The recommendation is eminently reasonable, and I adopt it. It is entirely appropriate that the costs of the proceeding be imposed against Nurse Dalton, inasmuch as she is entirely responsible for the necessity of proceeding to enforce the earlier Order. The costs, although minimal, should not be spread among all licensees, because paying the consequences of her failure to comply with the earlier Order is an appropriate element of Nurse Dalton's rehabilitation.

Dated this 17th day of March, 1995.



James E. Polewski
Administrative Law Judge

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN BOARD OF NURSING.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

MAY 9, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

In the Matter of Disciplinary Proceedings Against
PAMELA A. DALTON, L.P.N.
LS 9502081 NUR

AFFIDAVIT OF COSTS, BOARD LEGAL SERVICES

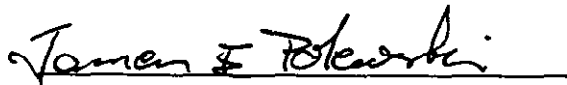
State of Wisconsin,
County of Dane, ss:

James E. Polewski, being first duly sworn on oath, deposes and says


1. That he is an attorney, licensed to practice law in the state of Wisconsin, and employed by the Office of Board Legal Services, Department of Regulation and Licensing.

2. That in the course of that employment he was assigned to preside as Administrative Law Judge in the above captioned matter, and that in the course of that assignment he expended the following time and committed the Department to payment of the following expenses:

Date	Activity	Time
3/16/95	Preside at hearing	10 m.
	Draft decision	30 m.
	Total time, Administrative Law Judge:	40 m.
	ALJ expense, 0.66 hours @ \$32.89:	\$21.71
	Reporter expense, Magne Script, Madison:	\$45.00
	TOTAL COSTS, BOARD LEGAL SERVICES:	\$66.71


James E. Polewski

Sworn to and subscribed before me this 27th day of April, 1995.


Notary Public
My Commission is Permanent

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

PAMELA A. DALTON, L.P.N.,
RESPONDENT

:
:
:
:
:

AFFIDAVIT OF COSTS
94 NUR 106

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Steven M. Gloe, being duly sworn, deposes and states as follows:

1. That I am an attorney licensed in the state of Wisconsin and am employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. That in the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
01/12/95	Review file; case conference	15 min.
02/07/95	Draft complaint and Notice of Hearing Schedule Hearing date	30 min.
03/16/95	Hearing preparation and attend hearing	30 min.
TOTAL HOURS		1 hour 15 min.

Total attorney expense for
1 hour and 15 minutes at \$41.00 per hour
(based upon average salary and benefits
for Division of Enforcement attorneys) equals: \$ 51.25


INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
01/09/95	Initial review of case file	15 min.
01/09/95	Inter office contacts	10 min.


01/10/95	phone call	10 min.
01/12/95	Case conference	30 min.
3/16/95	Hearing preparation and attend hearing	30 min.
TOTAL HOURS		<u>1 hour 25 min.</u>

Total investigator expense for
1 hours and 25 minutes at \$21.00 per hour
(based upon average salary and benefits
for Division of Enforcement investigators) equals: \$ 29.75

TOTAL ASSESSABLE COSTS \$ 81.00


Steven M. Gloe
Attorney
Division of Enforcement

Subscribed and sworn to before me this 16th day of May, 1995.


Notary Public
My Commission is permanent.